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Entered on Docket
June 08, 2009

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 In Re:) Case Nos.:
16 USA COMMERCIAL MORTGAGE) BK-S-06-10725-LBR
17 COMPANY,	) BK-S-06-10726 LBR
18 Debtor.	) BK-S-06-10727 LBR
	) BK-S-06-10728 LBR
	) BK-S-06-10729 LBR
19 In Re:	) JOINTLY ADMINISTERED
20 USA CAPITAL REALTY ADVISORS, LLC,	) Chapter 11 Cases
21 Debtor.	) Judge Linda B. Riegle
	) Adversary No. 08-01134
22 In Re:)
23 USA CAPITAL DIVERSIFIED TRUST	) ORDER REGARDING DEFENDANT
24 DEED FUND, LLC,	) MICHAEL PETERSEN'S MOTION TO
25 Debtor.	) WITHDRAW PROOFS OF CLAIMS NOS.
	) 754 AND 1470
26 In Re:	) Hearing Date: 3/20/2009
27 USA CAPITAL FIRST TRUST DEED FUND,	) Hearing Time: 9:30 a.m.
28 LLC,)
Debtor.)

1 In Re:)
 2 USA SECURITIES, LLC,)
 3 Debtor.)
 4 _____)
 5 USACM LIQUIDATING TRUST and USA)
 6 CAPITAL DIVERSIFIED TRUST DEED)
 7 FUND, LLC,)
 8 Plaintiffs,)
 9 vs.)
 10 MARY PETERSEN, INDIVIDUALLY AND)
 11 AS TRUSTEE OF THE MARY PETERSEN)
 12 FAMILY TRUST DTD 8/12/98; MICHAEL)
 13 PETERSEN INDIVIDUALLY AND AS)
 14 TRUSTEE OF THE MICHAEL D.)
 15 PETERSEN FAMILY TRUST DTD 8/12/98;)
 16 KATHRYN PETERSEN INDIVIDUALLY)
 17 AND AS TRUSTEE OF THE KATHRYN L.)
 18 PETERSEN LIVING TRUST AND THE KLP)
 19 TRUST DTD 7/15/99,)
 20 Defendants.)
 21

22 On March 20, 2009, this Court held a hearing on Defendant Michael Petersen's Motion To
 23 Withdraw Proofs Of Claim Nos. 754 And 1470 (Claim Objection Filed On April 12, 2008),
 24 requesting that Defendant be allowed to voluntarily withdraw Proof of Claims Nos. 754 and 1470
 25 pursuant to Fed. R. Bankr. P. 3006, hereafter *Defendant's Motion To Withdraw Proofs Of Claims*
 26 (Dckt. No. #86);
 27

28 Eric D. Madden, Esq. and Michael J. Yoder, Esq., of Diamond McCarthy LLP appeared at
 29 the hearing as Special Litigation counsel for Plaintiff USACM Liquidating Trust, and John F.
 30 O'Reilly, Esq. and Timothy R. O'Reilly, Esq. of the O'Reilly Law Group, LLC and Steven J.
 31 Katzman, Esq. of Beinert, Miller, Weitzel & Katzman, P.C. appeared at the hearing on behalf of
 32 Defendant Michael Petersen.
 33

34 The Court having considered the relief requested pursuant to the pleadings on file and
 35 having considered the arguments of counsel at the time of said hearing hereby grants the following
 36 relief:
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1 It is hereby Ordered that *Defendant's Motion to Withdraw Proof Of Claims* is GRANTED.

2 It is further Ordered that Proof of Claims Nos. 754 and 1470 are withdrawn, with prejudice.

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5 Prepared and Submitted by:

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7 By /s/ Timothy R. O'Reilly

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